

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA, :
 :
vs. : DOCKET NUMBER
 : 1:17-CR-0224-AT-1
ALLEN J. PENDERGRASS, :
 : ATLANTA, GEORGIA
DEFENDANT. : NOVEMBER 20, 2018

**TRANSCRIPT OF HEARING ON MOTION TO DISMISS FOR INEFFECTIVE
ASSISTANCE OF COUNSEL (PART 1 OF 3) PROCEEDINGS
BEFORE THE HONORABLE AMY TOTENBERG
UNITED STATES DISTRICT JUDGE**

APPEARANCES OF COUNSEL:

FOR THE GOVERNMENT:

JEFFREY A. BROWN
TERESA M. STOLZE
UNITED STATES ATTORNEY'S OFFICE

FOR THE DEFENDANT:

ROBERT H. CITRONBERG
LAW OFFICE OF ROBERT CITRONBERG

**MECHANICAL STENOGRAPHY OF PROCEEDINGS AND COMPUTER-AIDED
TRANSCRIPT PRODUCED BY:**

**OFFICIAL COURT REPORTER: SHANNON R. WELCH, RMR, CRR
2394 UNITED STATES COURTHOUSE
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ATLANTA, GEORGIA 30303
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P R O C E E D I N G S

(Atlanta, Fulton County, Georgia; November 20, 2018.)

THE COURT: Good afternoon. Have a seat.

We're here in the case of the United States of America vs. Allen J. Pendergrass, Criminal Action Number 1:17-CR-224.

Counsel, would you note your presence.

MR. BROWN: Yes. Good afternoon, Judge. Jeffrey Brown and Teresa Stolze on behalf of the Government.

THE COURT: Good to see you again.

MR. CITRONBERG: Bob Citronberg.

THE COURT: Good to see you.

I note that Mr. Pendergrass is present. We are here because Mr. Pendergrass filed yesterday a motion to dismiss for ineffective assistance of counsel. And primarily the motion really addresses, it seems to me, his concern that counsel has not been communicating with him and has been ineffective in his handling of motions. But it still seems to me as I read this there is a large part of this which is a communication issue.

But I was concerned about it. The trial is supposed to begin in a matter of days. We're on the cusp of Thanksgiving vacation. And I didn't see any other way to handle it, other than to have you-all in right away.

Mr. Citronberg, do you wish for me to excuse the Government for any portion of the conversation?

1 MR. CITRONBERG: Based on some things I may say, yes,
2 ma'am.

3 THE COURT: All right. Would you mind hanging out
4 outside, and we'll get you back.

5 MS. STOLZE: Thank you, Your Honor.

6 (Counsel for the Government exited the
7 courtroom.)

8 (Part 1 of 3 of this transcript is hereby
9 concluded.)

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C E R T I F I C A T E

UNITED STATES OF AMERICA

NORTHERN DISTRICT OF GEORGIA

I, SHANNON R. WELCH, RMR, CRR, Official Court Reporter of the United States District Court, for the Northern District of Georgia, Atlanta Division, do hereby certify that the foregoing 3 pages constitute a true transcript of proceedings had before the said Court, held in the City of Atlanta, Georgia, in the matter therein stated.

In testimony whereof, I hereunto set my hand on this, the 19th day of January, 2019.



SHANNON R. WELCH, RMR, CRR
OFFICIAL COURT REPORTER
UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT
OFFICIAL CERTIFIED TRANSCRIPT